

AMENDED IN SENATE APRIL 20, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 151**

**Introduced by Senator Soto  
(Coauthor: Senator Vincent)**

(Coauthors: Assembly Members DeVore, Shirley Horton, and Spitzer)

February 7, 2005

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An act to amend Section ~~95~~ 92 of the Penal Code, relating to bribery.

LEGISLATIVE COUNSEL'S DIGEST

SB 151, as amended, Soto. Judicial officers: bribery.

~~Existing law prohibits any attempt to corruptly influence a juror, arbitrator, umpire, or referee in his or her verdict or decision, by any of the specified means. Violation of this provision is a felony.~~

~~This bill would add judicial officer to the list of persons not to be influenced.~~

*Existing law prohibits giving or offering a bribe to any judicial officer or any person authorized to hear or determine any question or controversy, with the intent to influence the decision.*

*This bill would prohibit a defendant or plaintiff with a matter before a judicial officer, from corruptly influencing that judicial officer, as specified, in his or her decision. The bill would not include attorneys and pro se litigants who are engaged in routine communications with the judicial officer in the regular course of proceedings. By expanding the scope of a crime, the bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 95 of the Penal Code is amended to~~  
2     ~~read:~~

3     ~~95. Every person who corruptly attempts to influence a~~  
4     ~~judicial officer, a juror, or any person summoned or drawn as a~~  
5     ~~juror, or chosen as an arbitrator or umpire, or appointed as a~~  
6     ~~referee, in respect to his or her verdict in, or decision of, any~~  
7     ~~cause or proceeding, pending, or about to be brought before him~~  
8     ~~or her, is punishable by a fine not exceeding ten thousand dollars~~  
9     ~~(\$10,000), or by imprisonment in the state prison, if it is by~~  
10    ~~means of any of the following:~~

11    ~~(a) Any oral or written communication with him or her except~~  
12    ~~in the regular course of proceedings.~~

13    ~~(b) Any book, paper, or instrument exhibited, otherwise than~~  
14    ~~in the regular course of proceedings.~~

15    ~~(c) Any threat, intimidation, persuasion, or entreaty.~~

16    ~~(d) Any promise, or assurance of any pecuniary or other~~  
17    ~~advantage.~~

18    ~~SECTION 1. Section 92 of the Penal Code is amended to~~  
19    ~~read:~~

20    ~~92. (a) Every person who gives or offers to give a bribe to~~  
21    ~~any judicial officer, juror, referee, arbitrator, or umpire, or to any~~  
22    ~~person who may be authorized by law to hear or determine any~~  
23    ~~question or controversy, with intent to influence his vote,~~  
24    ~~opinion, or decision upon any matter or question which is or may~~  
25    ~~be brought before him for decision, is punishable by~~  
26    ~~imprisonment in the state prison for two, three or four years.~~

27    ~~(b) Any defendant or plaintiff, appearing before any judicial~~  
28    ~~officer authorized by law to hear or determine any question or~~  
29    ~~controversy involving that defendant or plaintiff, who corruptly~~  
30    ~~attempts to influence that judicial officer is punishable by a fine~~  
31    ~~of not more than ten thousand dollars (\$10,000), or by~~

1 *imprisonment in the state prison, if it is by any of the following*  
2 *means :*

3 *(1) Any oral or written communication with him or her except*  
4 *in the regular course of proceedings.*

5 *(2) Any book, paper, or instrument exhibited, otherwise than*  
6 *in the regular course of proceedings.*

7 *(3) Any threat, intimidation, persuasion, or entreaty.*

8 *(4) Any promise or assurance of any pecuniary or other*  
9 *advantage.*

10 *(c) Nothing in subdivision (b) shall be construed to limit an*  
11 *attorney or pro se litigant in the routine course of his or her*  
12 *representation or presentation of any question or controversy in*  
13 *the regular course of proceedings.*

14 SEC. 2. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 the only costs that may be incurred by a local agency or school  
17 district will be incurred because this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the  
19 penalty for a crime or infraction, within the meaning of Section  
20 17556 of the Government Code, or changes the definition of a  
21 crime within the meaning of Section 6 of Article XIII B of the  
22 California Constitution.